

LUELLA GRANGAARD, PRESIDENT
CALIFORNIA BOARD OF OCCUPATIONAL THERAPY
DEPARTMENT OF CONSUMER AFFAIRS

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8 **BEFORE THE**
CALIFORNIA BOARD OF OCCUPATIONAL THERAPY
DEPARTMENT OF CONSUMER AFFAIRS
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation/Petition to
11 Revoke Probation Against:

12 ALVIN VICTOR PRASAD
13 154 Bonny Street
Mountain View, CA 94043

14 Occupational Therapy License No. OT 7530

15 Respondent.

Case No. OT 7520

OAH No. N2005040115

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

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18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
19 above-entitled proceedings that the following matters are true:

20 PARTIES

21 1. Gladys Mitchell (Complainant) is the Interim Executive Officer of the
22 California Board of Occupational Therapy and is represented in this matter by Bill Lockyer,
23 Attorney General of the State of California, by Char Sachson, Deputy Attorney General.
24 Gretchen Kjose, the former Executive Officer, brought this action solely in her official capacity.

25 2. Respondent Alvin Victor Prasad (Respondent) is represented in this
26 proceeding by attorney Edwin E. Samuels, whose address is 2600 El Camino Real, Suite 506
27 Palo Alto, CA 94306

28 3. On or about April 5, 2004, the California Board of Occupational Therapy

1 issued Occupational Therapy License No. OT 7530 to Alvin Victor Prasad (Respondent). In a
2 disciplinary action entitled "In the Matter of Statement of Issues Against Alvin Victor Prasad,"
3 Case No. 7-2002, the California Board of Occupational Therapy issued a decision, effective
4 March 5, 2004, in which Respondent's Occupational Therapy License was revoked. However,
5 the revocation was stayed and Respondent's license was placed on probation for a period of five
6 (5) years with certain terms and conditions. A copy of that decision is attached as Exhibit A and
7 is incorporated by reference. The License will expire on July 31, 2005, unless renewed.

8 JURISDICTION

9 4. Accusation/Petition to Revoke Probation No. OT 7520 was filed before
10 the California Board of Occupational Therapy (Board), Department of Consumer Affairs, and is
11 currently pending against Respondent. The Accusation/Petition to Revoke Probation and all
12 other statutorily required documents were properly served on Respondent on March 18, 2005.
13 Respondent timely filed his Notice of Defense contesting the Accusation/Petition to Revoke
14 Probation. A copy of Accusation/Petition to Revoke Probation No. OT 7520 is attached as part
15 of exhibit A and incorporated herein by reference.

16 ADVISEMENT AND WAIVERS

17 5. Respondent has carefully read, fully discussed with counsel, and
18 understands the charges and allegations in Accusation/Petition to Revoke Probation No. OT
19 7520. Respondent has also carefully read, fully discussed with counsel, and understands the
20 effects of this Stipulated Settlement and Disciplinary Order.

21 6. Respondent is fully aware of his legal rights in this matter, including the
22 right to a hearing on the charges and allegations in the Accusation/Petition to Revoke Probation;
23 the right to be represented by counsel at his own expense; the right to confront and cross-
24 examine the witnesses against him; the right to present evidence and to testify on his own behalf;
25 the right to the issuance of subpoenas to compel the attendance of witnesses and the production
26 of documents; the right to reconsideration and court review of an adverse decision; and all other
27 rights accorded by the California Administrative Procedure Act and other applicable laws.

28 7. Respondent voluntarily, knowingly, and intelligently waives and gives up

each and every right set forth above.

CULPABILITY

8. Respondent admits the following:

a. On or about November 24, 2004, Respondent was terminated from his employment as an occupational therapist at Select Therapy, for viewing pornography on the Internet while at work.

b. Respondent failed to return the following Probation Quarterly Reports in a timely manner: April-June 2004 and July-September 2004. Respondent's October-December 2004 Quarterly Report was submitted timely, but was incomplete.

c. Respondent failed to provide his employer, Select Therapies, with a copy of his Disciplinary Order as required. Additionally, Respondent failed to notify the Board within five days, in writing, of his commencement of employment with ONR Inc. on January 3, 2005. The first written notice to the Board of this change of employment status was Respondent's October-December 2004 Quarterly Report which was postmarked January 10, 2005.

d. Respondent failed to cause the approved psychotherapist to submit an initial evaluation to the Board by the due date of October 19, 2004. Respondent failed to timely submit to the Board an authorization which would permit his psychotherapist to release confidential records and information to the Board.

9. Respondent agrees that his Occupational Therapy License is subject to discipline and he agrees to be bound by the California Board of Occupational Therapy Board's imposition of discipline as set forth in the Disciplinary Order below.

CIRCUMSTANCES IN MITIGATION

10. Respondent Alvin Victor Prasad is admitting responsibility at an early stage in the proceedings.

CONTINGENCY

11. This stipulation shall be subject to approval by the California Board of Occupational Therapy. Respondent understands and agrees that counsel for Complainant and the

staff of the California Board of Occupational Therapy may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

12. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

13. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Occupational Therapy License No. OT 7530 issued to Respondent Alvin Victor Prasad is revoked. Respondent shall be eligible to petition the Board for reinstatement of his Occupational Therapy License one year from the effective date of the Disciplinary Order.

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Edwin E. Samuels. I understand the stipulation and the effect it will have on my Occupational Therapy License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the

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1 Decision and Order of the California Board of Occupational Therapy.

2 DATED: 6/15/05

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ALVIN VICTOR PRASAD
Respondent

I have read and fully discussed with Respondent Alvin Victor Prasad the terms
and conditions and other matters contained in the above Stipulated Settlement and Disciplinary
Order. I approve its form and content.

DATED: 5-15-05

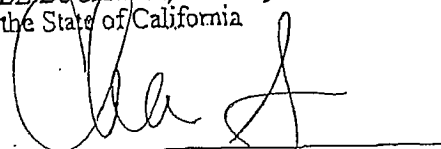

EDWIN E. SAMUELS
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
submitted for consideration by the California Board of Occupational Therapy of the Department
of Consumer Affairs.

DATED: 6/15/05

BILL LOCKYER, Attorney General
of the State of California


CHAR SACHSON
Deputy Attorney General

Attorneys for Complainant